



UNITED STATES PATENT AND TRADEMARK OFFICE

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**MAILED**

**MAY 17 2006**

**TECHNOLOGY CENTER 2100**

In re Application of: Khare, et al. )  
Application No. 09/749,660 ) *SUA SPONTE*  
Attorney Docket No. 2207/9865 ) WITHDRAWAL OF HOLDING OF  
Filed: December 28, 2000 ) ABANDONMENT *under 37 CFR 1.181*  
For: METHOD AND APPARATUS FOR )  
REDUCING MEMORY LATENCY IN A )  
CACHE COHERENT MULTI-NODE )  
ARCHITECTURE )

The request for rescindment of the notice of abandonment, filed July 14, 2005, is acknowledged.

The request is **GRANTED**.

A review of the application reveals that a Notice of Abandonment was mailed to the Applicant on June 30, 2005. The notice incorrectly indicated that the instant application was being held abandoned for failure to respond to the Advisory Action mailed on February 1, 2005. In actuality, the Final Office action, mailed on June 3, 2004, began the six-month statutory period for reply. Applicant timely filed a Notice of Appeal along with a request for extension of time for three (3) months on December 3, 2004, currently located in the file. Thereafter, and in accordance with 37 CFR 1.136(a), Applicant filed a request for continued examination transmittal, an amendment and remarks along with a request for extension of time for five (5) months, wherein the transmittal, amendment with remarks and extension of time are currently located in the file. Note, the fee for the five months extension of time was charged on July 7, 2005.

The time period for filing an Appeal Brief after Notice of Appeal is set forth in 37 CFR 41.37:

- (a) (1) Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31.

In accordance with 37 CFR 1.136 - Extensions of time:

- (a) (1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute **or five months** after the time period set for reply, if a petition for an extension of time and the fee set in § 1.17(a) are filed.

37 CFR 1.136 provides for two distinct procedures to extend the period for action or reply in particular situations. The procedure which is available for use in a particular situation will depend upon the circumstances. 37 CFR 1.136(a) permits an applicant to file a petition for extension of time and a fee as set forth in 37 CFR 1.17(a) **up to 5 months** after the end of the time period set to take action except:

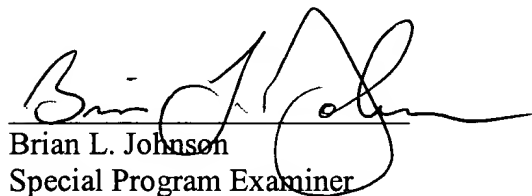
- (A) where prohibited by statute,  
(B) where prohibited by one of the items listed in the rule, or  
(C) where applicant has been notified otherwise in an Office action.

The Notice of Appeal, filed December 3, 2004, started the two-month period for response. Since the shortened time period for filing an Appeal Brief after the filing of a Notice of Appeal is not established by statute, the response of July 5, 2005, including a request for continued examination, amendment, remarks and a five-month extension of time, was in fact timely filed (July 3, 2005 was a Sunday, July 4, 2005 was a holiday).

In view of these facts, the abandonment of the application was clearly in error and has been **VACATED**. The Office regrets any inconvenience this may have caused.

The application is being forwarded to the Technology Support Staff with instructions to **WITHDRAW** the holding of abandonment, **PROCESS** the RCE, amendment and response filed July 5, 2005, and to forward the application to the Examiner for prompt action on the merits.

Inquiries to this decision may be directed to Special Programs Examiner Brian Johnson at (571) 272-3595.

A handwritten signature in black ink, appearing to read "Brian L. Johnson", is written over a horizontal line.

Brian L. Johnson  
Special Program Examiner  
Technology Center 2100  
Computer Architecture, Software, and Information Security